

**In the United States District Court
for the Southern District of Georgia
Statesboro Division**

UNITED STATES OF AMERICA,

v.

CR 609-042-1

KEVIN TYRONE SAUNDERS,

Defendant.

ORDER

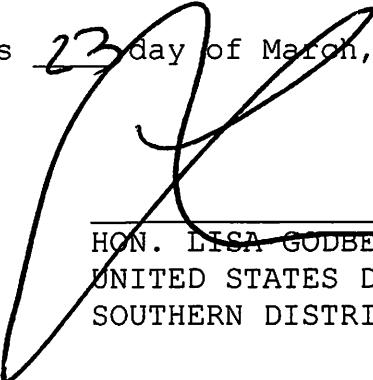
Before the Court is Defendant Kevin Tyrone Saunders' motion for relief from judgment. Dkt. No. 133. Defendant's motion is **DENIED**.

On July 28, 2009, Defendant pleaded guilty to unlicensed dealing in firearms, distribution of five grams or more of cocaine base in a school zone, and carrying a firearm during or in relation to drug trafficking under 18 U.S.C. § 924(c) (Counts 1, 14 and 15 of the Indictment). Defendant was sentenced on January 7, 2010 to a total term of 180 months. In February 2019, Defendant filed a motion for sentence reduction pursuant to the First Step Act of 2018. Dkt. No. 98. In May 2019, the Court denied the motion, finding that the First Step Act does not operate to lower Defendant's guideline range. Dkt. No. 100. Now Defendant files another motion for sentence reduction pursuant to the First Step

Act, stating that the Court erred in its May 2019 Order. Dkt. No. 133.

While Defendant's guideline calculations as to the Count 14 drug offense would lower pursuant to the First Step Act, Defendant's advisory guideline range does not change. The guideline calculations as to the Count 1 firearm offense are not impacted by the First Step Act and would remain higher than the guideline calculations for the Count 14 drug offense. The Count 1 guidelines, therefore, remain the controlling guidelines, and the original guideline range remains applicable. Once again, because the First Step Act does not operate to lower Defendant's guideline range, he is not eligible for a sentence reduction.

SO ORDERED, this 23 day of March, 2021.


HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA